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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,981	09/26/2001	Gero Baese	112740-300	3320
29177	7590	11/03/2005	EXAMINER	
BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			SHANNON, MICHAEL R	
			ART UNIT	PAPER NUMBER
			2614	
DATE MAILED: 11/03/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,981

Applicant(s)

BAESE ET AL.

Examiner

Michael R. Shannon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20020228, 20020311.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 and 9-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Koskelainen (EP 1113669A2), cited by Applicant.

Regarding claim 1, the claimed "method of transmitting data which represents contents of a television program comprising radio transmitting the data which represents content of a television program from a transmitter to a mobile radio terminal" is met by the server 104 capturing and analyzing television program information (usually regarding a sporting event) [col. 4, lines 16-19 and 53-58] and sending the information over a low-bandwidth connection [col. 2, lines 44-52] for display at a remote location over a wireless communications link [col. 3, lines 25-26]. The mobile stations in the wireless network can be phone units configured to receive and display information [col. 11, lines 12-14].

Regarding claim 2, the claimed "method as claimed in claim 1, wherein the transmitting step further comprises transmitting text data which represents contents of the television program" is met by the analysis of the video data resulting in match facts

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such as goals or bookings which are updated automatically on the screen [col. 11, lines 7-10 & Figure 3].

Regarding claim 3, the claimed "method as claimed in claim 1, wherein the transmitting step further comprises transmitting video data which represents contents of the television program" is met by the mobile device being capable of receiving and displaying video [col. 8, lines 25-28].

Regarding claim 4, the claimed "method as claimed in claim 2, wherein the transmitting step further comprises transmitting video data which represents contents of the television program" is met, again, by the mobile device being capable of receiving and displaying video [col. 8, lines 25-28].

Regarding claim 5, the claimed "method as claimed in claim 1, further comprising the step of storing pre-selected television program information in memory, and wherein the transmitting step further comprises transmitting the stored pre-selected television program information" is met by the fact that the data signal can be buffered in location 101 (the server buffer) for later transfer to the wireless distribution system [col. 5, lines 22-25].

Regarding claim 6, the claimed "method as claimed in claim 5, wherein the transmitting step further comprises transmitting the stored pre-selected television program information by one of automatically, according to a predetermined schedule, on request, and combinations thereof" is met by the fact that the data signal can be delivered in response to a control signal [col. 5, lines 2-3] or automatically [col. 11, lines 7-10].

Regarding claim 7, the claimed “method as claimed in claim 1, further comprising the step of matching a form of the data to display options of the mobile radio terminal” is met by the fact that the user can set a profile which defines how data is presented on the display screen of the mobile device [col. 10, line 58 – col. 11, line 11].

Regarding claim 9, the claimed “method as claimed in claim 1, wherein the data which represents contents of a television program represents only a portion of the television program, and wherein the transmitting step further comprises transmitting the data which represents only a portion of the television program from the transmitter to the mobile radio terminal” is met by the fact that the full video is analyzed and smaller amounts of data are sent to the remote location based on the analyzed and captured information [col. 4, lines 16-19 & 53-58].

Regarding claim 10, the claimed “apparatus for transmitting data which at least partially represents contents of a television program to a mobile radio terminal” is met as follows:

- The claimed “television program memory device capable of storing the television program” is met by the fact that the information is analyzed and captured and stored locally before data signals are generated from it and transmitted to a remote location [col. 4, lines 53-58].
- The claimed “data memory device having the data which at least partially represents contents of the television program” is met by the fact that the data signal can be buffered locally for later transfer to a distribution system [col. 5, lines 22-27].

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- The claimed “transmitted device connected to the television program memory device and the data memory device, the transmitter device transmitting the data via a mobile radio network to the mobile radio terminal” is met by the fact that the data is transferred to a distribution system [col. 5, line 24] for transmission to remote locations [col. 4, lines 53-58] (for example, wireless phone units configured to receive and display information [col. 11, lines 12-14]), over a wireless communication link [col. 3, lines 25-26].

Regarding claim 11, see the above rejection to claim 10.

Regarding claim 12, the claimed “apparatus according to claim 11, wherein the device having a television program further comprises one of a device having a live television program, a memory which stored a recorded television program, and combinations thereof” is met by the fact that the information is analyzed and captured and stored locally before data signals are generated from it and transmitted to a remote location [col. 4, lines 53-58].

Regarding claim 13, the claimed “apparatus according to claim 11, wherein the device having data which at least partially represents contents of the television program further comprises one of a device have on-line generated data, a memory which stores the data, and combinations thereof” is met by the fact that the data signal can be buffered locally for later transfer to a distribution system [col. 5, lines 22-27].

Regarding claim 14, the claimed “apparatus according to claim 12, wherein the device having data which at least partially represents contents of the television program

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further comprises one of a device having on-line generated data, a memory which stores the data, and combinations thereof" is met, again, by the fact that the data signal can be buffered locally for later transfer to a distribution system [col. 5, lines 22-27].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koskelainen (EP 1113669A2), cited by Applicant.

Regarding claim 8, the claimed "method as claimed in claim 1, further comprising the step of automatically billing costs for the transmission via a telephone bill for the a user of the mobile radio terminal" is not expressly met by the Koskelainen reference. While the Koskelainen reference does teach all of that which is discussed above in the rejection to claim 1, he does not teach the limitations outlined in claim 8. The Examiner takes OFFICIAL NOTICE that it is notoriously well known in the art to bill subscribers for services in telephone and television environments. Subscribers are often automatically billed monthly based on the services used and the billing costs associated with the services used. Therefore, the Examiner submits that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to bill subscribers for transmission via a telephone bill for the user of the mobile radio terminal, in order to

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comply with standard practices in the telephone and television industry and to collect payment for services used by the subscriber.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sibecas et al (USPN 6,167,235) disclose a system for providing additional information to a call device about a broadcast.

Martinez (USPN 6,177,604) discloses a system for data transmission to a portable mobile device and/or a subscriber TV.

Wharton et al (USPN 5,831,664) disclose a system for synchronous display of broadcast data and related data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R. Shannon who can be reached at (571) 272-7356 or Michael.Shannon@uspto.gov. The examiner can normally be reached by phone Monday through Friday 8:00 AM – 5:00PM, with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (571) 272-7353.

Any response to this action should be mailed to:

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Or faxed to: (571) 273-8300

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Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **(571) 272-2600**.


Michael R Shannon

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Examiner
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Michael R Shannon
October 19, 2005

A handwritten signature in black ink, appearing to read 'J. Miller', with a long horizontal flourish extending to the right.

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600